

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA; the States of CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, HAWAII, ILLINOIS, INDIANA, IOWA, LOUISIANA, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MONTANA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, OKLAHOMA, RHODE ISLAND, TENNESSEE, TEXAS, VIRGINIA, WASHINGTON, and WISCONSIN; the DISTRICT OF COLUMBIA, and the CITY OF CHICAGO, *ex rel.* OSWALD BILOTTA,

Plaintiffs and Relator,

-against-

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

11 Civ. 00071 (PGG)

**NOTICE OF MOTION OF NOVARTIS PHARMACEUTICALS CORPORATION
FOR SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the Declaration of Benjamin Gruenstein, executed on May 30, 2018, and exhibits thereto, the Memorandum of Law in Support of Defendant Novartis Pharmaceuticals Corporation, dated May 30, 2018, and the Statement of Undisputed and Material Facts Pursuant to Local Civil Rule 56.1, dated May 30, 2018, and all prior pleadings and proceedings herein, including the Relator Oswald Bilotta's Third Amended Complaint (ECF No. 50), Complaint in Intervention of the State of New York (ECF No. 61), Amended Complaint in Intervention of the United States (ECF No. 79-1), Novartis Pharmaceuticals Corporation's Answer to the Amended Complaint in Intervention of the United States (ECF No. 112), Novartis Pharmaceuticals Corporation's Answer to

Complaint in Intervention of the State of New York (ECF No. 113) and Novartis Pharmaceutical Corporation's Answer to the Third Amended Complaint of Relator Oswald Bilotta (ECF No. 114), copies of which are annexed hereto, Defendant Novartis Pharmaceuticals Corporation, hereby moves this Court, before the Honorable Paul G. Gardephe, at the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York, for an order, pursuant to Federal Rule of Civil Procedure 56(a), granting summary judgment for Novartis Pharmaceuticals Corporation dismissing all claims against Novartis Pharmaceuticals Corporation, and granting such other and further relief as the Court deems just and proper.

Dated: May 30, 2018

Respectfully submitted,

s/ Evan R. Chesler

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